

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHERYL HUTCHINSON,

Plaintiff,

v.

LVNV FUNDING, LLC,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

CASE NO. 2:20-cv-1675

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on this date, Defendant LVNV Funding, LLC hereby removes the above-captioned matter to this Court from the Court of Common Pleas of Allegheny County, Pennsylvania and in support thereof avers as follows:

1. LVNV Funding, LLC is a defendant in a civil action originally filed on July 13, 2020 in the Court of Common Pleas of Allegheny County, Pennsylvania titled *Cheryl Hutchinson v. LVNV Funding, LLC* and docketed to Case No. GD-20-007557.

2. The removal is timely under 28 U.S.C. § 1446(b). Plaintiff's Complaint was filed on October 5, 2020. LVNV filed preliminary objections on November 2, 2020 and thus waived service of the complaint.

3. Pursuant to 28 U.S.C. § 1446, copies of all process, pleadings and orders filed in the state court action are attached as exhibits to this Notice.

4. The District Court¹ has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, in that Plaintiff has filed claims against LVNV alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*

5. On this date, LVNV has provided notice of this Removal to counsel for Plaintiff and to the Court of Common Pleas of Allegheny County, Pennsylvania.

WHEREFORE, Defendant LVNV Funding, LLC respectfully removes this case to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

MESSER STRICKLER, LTD.

By: /s/ Lauren M. Burnette
LAUREN M. BURNETTE, ESQUIRE
PA Bar No. 92412
12276 San Jose Blvd.
Suite 718
Jacksonville, FL 32223
(904) 527-1172
(904) 683-7353 (fax)
lburnette@messerstrickler.com
Counsel for Defendant

Dated: November 3, 2020

¹ Plaintiff commenced this claim in Allegheny County, Pennsylvania notwithstanding the fact that her alleged causes of action arose in Lancaster County, Pennsylvania which lies within jurisdiction of the U.S. District Court for the Eastern District of Pennsylvania. *See* Plaintiff's Complaint, ¶ 1. LVNV has filed Preliminary Objections as to venue.

CERTIFICATE OF SERVICE

I certify that on November 3, 2020, a true copy of the foregoing document was served
as follows:

Via Email & U.S. Mail, Postage Prepaid

Joshua P. Ward
Kyle Steenland
The Law Firm of Fenters Ward
The Rubicon Building
201 South Highland Avenue
Suite 201
Pittsburgh, PA 15206
JWard@FentersWard.com
KSteenland@FentersWard.com
Counsel for Plaintiff

Via Electronic Filing

Court of Common Pleas
Allegheny County
414 Grant St.
Pittsburgh, PA 15219

MESSER STRICKLER, LTD.

By: */s/ Lauren M. Burnette*
LAUREN M. BURNETTE, ESQUIRE
PA Bar No. 92412
12276 San Jose Blvd.
Suite 718
Jacksonville, FL 32223
(904) 527-1172
(904) 683-7353 (fax)
lburnette@messerstrickler.com
Counsel for Defendant

Dated: November 3, 2020